

Our Ref: DEF/C/78312/193/CCL
Your Ref: S28453

CONTESTED DEFENCE/CC
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All calls may be recorded
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MR CARPET LIMITED
32 RIVERSIDE ROAD
LONDON
SW17 0BA
FAO DAVID GUYAN

V.A.T. REG No: GB 243 0890 18
DX20063 WALLASEY
defence@thomashiggins.com

17/11/2016

Dear Sirs,

Re : MR CARPET LIMITED V MRS S SCHREITER
A/c: S28453
Case No. : C9AA0Q4M

We write to explain our reasoning for not dealing with the contested cases.

We specialise in straightforward undisputed business to business debt collection, for which we have a fantastic success rate our Letters Before Action averaging 89% payment on receipt of one of our letters. At £3.00 plus VAT, this is a very cost effective method of collection.

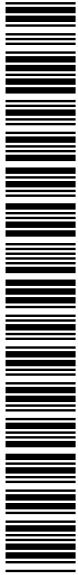
Where the debtor fails to pay and proceedings are necessary only a small minority of cases are disputed - approximately 5% are defended. We are willing to attempt to negotiate these cases, but where the case does not settle it is at this stage we seek your instructions to transfer the file either to you, your solicitor of choice or we can advise you of Solicitors who specialise in this type of litigation.

However, where the sums in dispute are below £10,000 the case is referred to the Small Claims Track, the disadvantage of this is that NO COSTS (other than the costs claimed on issue of the claim) are recoverable from your debtor even if you win.

The Small Claims Court is designed for the litigant in person - it is very informal and not held in a Court room. It is held in a room that looks very much like an office and the District Judge (who is not in gowns or a wig) will direct how the matter is to be dealt with. Usually the claimant explains why the sums are due and owing, the defendant says why he doesn't believe he should pay. You would then have the opportunity to raise any questions etc. Finally the Judge would make a decision. The language used is simple and clear so that all parties can understand what is happening.

If you wanted to instruct a solicitor you could do so, however, any costs that they incur in representing you will not be repaid by the debtor. Solicitor's costs can be considerable and it is for this reason we encourage our clients to deal with the Small Claims Hearing themselves. You know your own case better than anyone else and would be able to answer any questions raised by the Judge.

There is an alternative - but it is not really very satisfactory - whereby you to inform the Court 7 days prior to the Hearing that you will not be attending the Court and request that the District Judge makes his decision on your papers alone. It would be necessary to ensure that all the documents you were to rely on and a complete and thorough Witness Statement was prepared dealing with every aspect of the claim and dispute. The Judge would be obliged to consider this when making a decision. However, it is no good if a question arises that is not dealt with in the papers and you are not there to reply. Therefore, there is a risk when covering a hearing in this way - but it is an option.



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It is only in the Small Claims Court that the costs limit is imposed. Where the case is in excess of £10,000, solicitors' costs are recoverable and therefore it is advisable for a solicitor to represent you. There are far more strict rules and procedures to follow.

We trust this letter goes some way of explaining the procedures and our reasoning for encouraging you to represent yourselves at the Small Claims Court. If you need any assistance when taking over a case we are more than happy to guide you should you have any queries etc.

Yours faithfully



THOMAS HIGGINS LIMITED

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